

# U. S. DECLARES BLOCKADE ILLEGAL; CAN'T SUBMIT TO BRITAIN'S VIEW

Note From Lansing to British Foreign Office Asserts Restrictions Placed Upon American Commerce by Orders in Council Are Unjustifiably Severe and Oppressive; Insists That Rules of International Law Be Observed.

WASHINGTON, D. C., Nov. 8.—The United States considers Great Britain's interference with the trade of neutral nations oppressive and unjustifiable; declares the blockade created by the British orders in council of March 11 ineffective, illegal and indefensible, and announces vigorously the United States cannot submit to the curtailment of its neutral rights.

The entire point made by secretary of state Lansing in the latest American note to Great Britain made public today, is that Great Britain is endeavoring to govern sea commerce according to British expedients, however harshly that may apply to neutrals, whereas the United States demands that international law be made to apply.

In this connection, American ambassador Page, at London, is instructed to impress most earnestly upon the British government that the United States "must insist that the relations between it and its subjects be governed by a policy of expediency, but by those established rules of international law which have held the United States to account when the latter nation was a belligerent engaged in a struggle for national existence."

**U. S. Champion for All Neutrals.**  
In this note, the United States declares itself unhesitatingly the champion of all neutral nations and announces it will devote its energies to the task, "exercising always an impartial attitude."

The note, nearly 15,000 words in length, carries a voluminous appendix, giving the text of American naval orders in 1862 and a summary showing hundreds of vessels detained by British authorities since the beginning of the present war.

**Another Note Coming.**  
The note announces that a separate communication will be sent soon, dealing particularly with the "propriety and right of the British government to include in their list of contrabands of war certain articles which have been so included."

In conclusion, after an argument on the law and facts, secretary Lansing says:

**Guilty Blockade Illegal.**  
"I believe it has been conclusively shown that the methods sought to be employed by Great Britain to obtain and use evidence of enemy destination of cargoes bound for neutral ports and to impose a contraband character upon such cargoes are without justification, that the blockade, upon which such methods are partly founded, is ineffective, illegal and indefensible; that the judicial procedure offered as a means of reparation for an international injury is inherently defective for the purpose; and that in many cases jurisdiction is asserted in violation of the law of nations."

**U. S. Can't Submit to Measures.**  
"The United States, therefore, cannot submit to the curtailment of its neutral rights by these measures which are admittedly retaliatory, and therefore illegal in conception and in nature, and in-

intended to punish the enemies of Great Britain for alleged irregularities on their part. The United States might not be in a position to object to them if its interests and the interests of all neutrals were unaffected by them, but being affected, it cannot with compliance suffer further subordination of its rights and interests to the plea that the exceptional geographic positions of the enemies of Great Britain require unjustly oppressive and illegal practices."

**Insists on Just Procedure.**  
"The government of the United States desires, therefore, to express its earnestly upon his majesty's government that it must insist that the relations between it and its subjects be governed by a policy of expediency, but by those established rules of international law which have held the United States to account when the latter nation was a belligerent engaged in a struggle for national existence. It is of the highest importance to neutrals not only of the present war, but of the future, that the principles of international right be maintained unimpaired."

**In Reply to Seven Notes.**  
The note is dated October 22 and acknowledges the notes of the British government dated Jan. 7, Feb. 16, June 22, July 22, July 31 (two), Aug. 13, and a note verbal of the British ambassador of Aug. 6, all of which relate to re-assertions on American commerce. The United States says at the outset that it has delayed answering these notes in the hope that the announced purpose of Great Britain to exercise their belligerent rights with every possible consideration for the interests of neutrals, and of causing the "least possible amount of inconvenience to persons engaged in legitimate trade, would in practice not unjustifiably infringe upon the neutral rights of American citizens."

**Interference is Vexatious.**  
"It is therefore a matter of regret," says the note, "that this hope has not been realized, but that interference with American ships and cargoes destined in good faith to neutral ports and lawfully entitled to proceed have become increasingly vexatious, causing American ship owners and American merchants to complain to this government of the failure to take steps to prevent an exercise of belligerent power in contravention of their just rights."

As the measures complained of proceed directly from orders issued by the British government, are executed by British authorities, and arouse a reasonable apprehension that, if not resisted, they may be carried to an extent even more injurious to American interests, this government directs the attention of his majesty's government to the following considerations:

**Points Made by U. S.**  
Here followed in numbered paragraphs the points made by the United States. Summarized they are:

(1)—The statistics presented by Great Britain to prove an increase rather than a decrease in American trade, "fall far below the actual figures, and are of commodities resulting from a state of war, or to make an allowance for the

diminution in the volume of trade which the neutral countries in Europe previously had with the nations at war."

**Ships Detained Pending Search.**  
(2)—Detentions by Great Britain have not been "uniformly based on proofs obtained at the time of seizure, but many vessels have been detained while search was made for evidence."

The question has been one of "evidence to support the belief of—many cases a bare suspicion of—enemy destination, or occasionally of enemy origin of the goods involved."

(3)—Attention is directed, with regard to search of neutral vessels at sea, to the instructions issued to the naval commanders of the United States, Great Britain, Russia, Japan, Spain, Germany and France from 1855 to the beginning of the present war to show "that search in port was not contemplated by the government of any of these countries."

**Little Authority for Search at Port.**  
(4)—An examination of the opinion of the most eminent text writers on the laws of nations shows "that they also practically" no consideration to the question of search in port outside of examination in the course of regular prize court proceedings."

(5)—Answering the assertion of Great Britain that the position of the United States in relation of neutrals is inconsistent with its practice during the civil war, the note says this is "misleadingly stated. A careful search of the records shows conclusively that there were no instances when vessels were brought into port for search prior to instituting prize court proceedings, and that seizures were not made upon other grounds than evidence found on the ship under investigation, and not upon circumstances ascertained from external sources. It is here that the British government appends a copy of the instructions issued to American naval officers on Aug. 18, 1864.

**Refute Britain's Assertion.**  
(6)—In answer to the British contention that conditions relating to the size and seaworthiness of modern vessels justify bringing vessels into port, there is cited the report of a board of United States prize court judges, just made, in which it is declared that it is not necessary to remove "every package of goods" to establish the character and nature of her trade, that the facilities for boarding and inspecting of modern ships are in fact greater "than in former times, and that to permit ships to be taken into port would be a direct aid to the belligerents concerned in that it would release a belligerent vessel overhauling the neutral from its duty of search and set it free for further belligerent operations."

**Prize Court Procedure.**  
(7, 8 and 9)—These points deal with new procedures in the prize courts the effect of which the United States complains is "to subject traders to risk of loss, delay and expense so great and burdensome as to practically destroy much of the export trade of the United States to neutral countries of Europe."

(10, 11)—These discuss the question of the burden of proof as to the neutral character of goods consigned "to order," the United States arguing that none of the cases cited by Great Britain proved that the burden of proof can rightly be made to rest upon the claimants.

**Trade of Adjoining Countries.**  
(12)—The greatly increased imports of neutral countries adjoining Great Britain's enemies cannot be accepted as laying directly from order issued by the British government, are executed by British authorities, and arouse a reasonable apprehension that, if not resisted, they may be carried to an extent even more injurious to American interests, this government directs the attention of his majesty's government to the following considerations:

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## WHERE THERE IS A STAMP THERE IS A REASON

If You Give an Order to Pay Your Poll Tax, It Must Be Stamped.

Austin, Texas, Nov. 8.—Internal revenue collector A. R. Walker today issued a memorandum of several rulings issued by his office recently, which appear to be of general interest to a number of calls for information received at his office. This memorandum follows:

The attention of bankers throughout the state is called to the ruling that bills of exchange or acceptances which are used in lieu of promissory notes for the purpose of borrowing money are subject to the stamp tax, and are taxable at the rate of 2 cents for each hundred dollars or fractional part of that amount.

The attention of clerks of courts and justices of the peace who are called on to issue abstracts of judgment, is called to the ruling that the official certificate attached to an abstract of judgment is subject to the stamp tax on certificates.

The attention of tax collectors throughout the state is called to the ruling that a 25 cent attorney's fee is authorized to pay poll tax for another party, are subject to the stamp tax imposed upon powers of attorney by the act of congress of October 22, 1911.

Each of said orders or powers of attorney must bear a 25 cent revenue stamp before the tax collector is authorized to accept it, and where more than one person signs the same order, it must be stamped separately for each person signing it.

The attention of banks is also called to the ruling of the treasury department that certificates of deposit issued by one bank to another for borrowed money are subject to the stamp tax on promissory notes.

Of deposit money loaned to its customers are not subject to the stamp tax.

**Importation.** If British exports to these ports should be still further increased, it is evident that under the rule of evidence contained in the act of congress of October 22, 1911, much of said orders or powers of attorney must bear a 25 cent revenue stamp before the tax collector is authorized to accept it, and where more than one person signs the same order, it must be stamped separately for each person signing it.

**Will Sell to Neutrals.**  
(14)—Whatever may be the commercial conclusion from trade statistics, the United States "maintains the right to sell goods into the general stock of a neutral country, and to interfere with that right on the ground that it supplies the neutral country with goods which the imports renew or replace has been sold to an enemy."

That is a matter with which the neutral vendor has no concern and which can in no way affect his right of trade. The United States, even if goods listed as conditional contraband are destined to an enemy country through a neutral country, that fact in itself is insufficient to justify their seizure."

**U. S. Contents Seizures on Suspicion.**  
(15)—The United States announces that it has no other course but "to seize and detain vessels and cargoes on suspicion, and the practice of bringing them into port for the purpose, by search or otherwise, of obtaining evidence to support the belief of—many cases a bare suspicion of—enemy destination, or occasionally of enemy origin of the goods involved."

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# The Popular

Corner Main Avenue and San Antonio Street

Private Branch Exchange 3360

## Disproving the Statements of The "Calamity Howler"

THERE are people who believe that all retail merchants are thoroughly inconsiderate of their patrons and who continually tell you that old fashioned "sharp practices" and deceptions are still in force. They tell you that everything possible is done to induce you to pay more for an article than it is worth.

Perhaps they are correct in some cases but not in ours. There is no mystery, no masquerading of purpose here. We accept a legitimate profit on all sales but never an excessive one. Prices are marked plainly and are not subject to preferential discounts or rebates. What you pay us for an article is what everyone else pays us. And in every instance you receive 100% value for your money.

(Signed) **The Popular**  
DRY GOODS CO., INC.

## The New Black Silks

\$2.75—40 inch black crepe	\$2.50
faille	
\$2.00—40 inch black crepe	\$1.85
faille	
\$1.50—40 inch black dress	\$1.35
faille	
\$2.25—40 inch black crepe	\$1.95
faille	
\$3.00—44 inch black imported	\$2.75
faille	
\$3.00—44 inch black satin	\$2.75
faille	
\$2.00—44 inch black imported	\$1.85
faille	
\$2.25—44 inch black satin	\$2.05
faille	
\$2.50—40 inch Cheney's black	\$2.15
faille	
\$3.00—44 inch black crepe	\$2.75
faille	
\$2.00—40 inch black Pussy Willow	\$1.85
faille	
\$2.00—40 inch black French	\$1.85
faille	
\$2.50—40 inch black suit	\$2.25
faille	
\$2.50—40 inch black suit	\$2.25
faille	
\$2.00—40 inch black castles	\$1.85
faille	
\$2.25—40 inch black crepe	\$1.95
faille	
\$1.50—40 inch black crepe de	\$1.35
faille	
\$2.00—40 inch black crepe de	\$1.75
faille	
\$2.00—45 inch black imported	\$1.85
faille	
\$1.00—36 inch black chiffon	\$1.15
faille	
\$1.25—36 inch black chiffon	\$1.15
faille	
\$1.50—36 inch black chiffon	\$1.35
faille	
\$2.00—36 inch black chiffon	\$1.65
faille	
\$2.50—42 inch Skinner's black	\$2.25
faille	
\$1.75—36 inch black satin	\$1.45
faille	
\$1.75—36 inch Gros de	\$1.45
faille	
\$2.00—36 inch black satin	\$1.85
faille	
\$1.50—36 inch black dress	\$1.35
faille	

## A Sale of Negligees

WE consider ourselves extremely fortunate in securing a large sample line of women's dainty negligees at a marked price concession, enabling us to offer you astonishing values. Really beautiful models of Crepe de Chine, Charmeuse, Messaline and Pussy Willow Taffeta. Many in the popular Empire as well as loose fitting styles. Some have elastic waistbands and others finished with accordion pleated ruffles at neck and waist. Other styles show the handsome embroidered bodice worked in silk or accordion pleated skirts. Colors include pink, rose, pale blue, Copenhagen, Nile green and white. A big showing of Combing Jackets represented in these lots at

**\$3.95, \$5.95, \$7.95, \$10.50  
\$12.95, \$14.95, \$17.95  
up to \$25.00**

## Silk & Dress Goods Sale a Big Success

THIS Mid-Season Sale presents the greatest value in Silks and Woolen Dress Goods we have ever been able to offer in November. Some silk and dress goods sales are merely offerings of what's NEW. This event, however, is all that's new, but, above all else, this is a sale linking the under-the-usual prices with better than the usual qualities.

Long ago when making our regular purchases for the season we arranged with well known silk and woolen houses to take their surplus of certain lines at a big discount. These goods have arrived and, together with thousands of yards of Silks and Dress Goods from our regular stocks, are offered to you now at savings that are phenomenal. Every yard is new, fresh and desirable, and our guarantee for satisfaction goes with every purchase. Don't miss this chance to save. Sale continues all week, and—

## All Advertised Lots on Sale as Long as They Last

**The Popular**  
DRY GOODS CO., INC.

The Popular Dry Goods Co.'s Night at The Crawford Theater Tonight—Benefit The Rescue Home—Come!

are recalled to support the contention of the United States.

(22)—Measured by the three universally conceded tests, the present British measures cannot be regarded as constituting a blockade, in law, in practice, or in effect.

**Blockade Not Legal.**  
(23)—Formal notice is given that the "blockade" which Great Britain claims to have instituted under the order in council of March 11 cannot be recognized as a blockade by the United States.

(24)—The British view of the famous Spratbrook case before the outbreak of the present war is cited to support the American contention.

(25 to 28, inclusive). These deal exhaustively with the modes of judicial redress for citizens of neutral countries, and reach general conclusions.

The government of the United States, the note says, "has viewed with surprise and concern the attempt of his majesty's government to confer upon the British prize court decision by this illegal exercise of force in order that these may be made a basis for the seizure of neutral nationalities, seized on the high seas, municipal laws and laws which can only rightfully be enforceable within the territorial waters of Great Britain or against vessels of British nationality when on the high seas."

"The United States government feels that it cannot reasonably be expected to assist its citizens to seek redress before tribunals which are in its opinion unauthorized by the unrestricted application of the principle of non-interference, nor to refrain from preventing their claims directly to the British government through diplomatic channels."

**Port Charges Are Unfair.**  
Secretary Lansing, moreover, denies in this connection that the charges, such as pilotage, wharfage, unloading cost, etc., against a detained vessel must be paid by the claimants, and adds that the United States is "loath to believe that such ungenerous treatment will continue to be accorded to American citizens." Any waiver of indemnity exacted from American citizens under such conditions of duress, it is declared, cannot preclude them from subsequently obtaining redress through diplomatic channels.

Herald Want Ads for results Herald Want Ads for results

## EL PASO CIRCULATION AUDIT NOW PUBLIC

OFFICIAL copies of the reports of the Audit Bureau of Circulations on BOTH El Paso daily newspapers have been received in El Paso by members, and they may be inspected at The Herald office by anyone interested. Each paper receives a copy of the report on the other, as well as its own. Wise advertisers will demand from each newspaper the frank display of its own report before completing advertising plans, since the reports give a great deal of detailed information about circulation that the advertiser—large or small—is entitled to.

The Audit Bureau of Circulations is the great national organization which is everywhere recognized as the standard Circulation authority of the United States. To insure absolute accuracy of its work in the El Paso field, nearly two months were spent here in the most careful investigation, more time than is usually spent in any but the largest cities. The report on BOTH papers has been awaited with great interest by El Paso business men. It contains detailed facts, figures, and interpretation of direct value to every advertiser. Complete copies of BOTH reports are on file at The Herald office, and are at the service of any inquirer.

The Times requested and insisted upon this audit; now it is apparently disappointed because its carefully prepared fraudulent records, fraudulent lists, and fraudulent claims failed to deceive the auditor, who ascertained the facts in spite of the Times' utmost efforts to conceal them.

While the rules of the Audit Bureau of Circulations forbid publication of the reports in part, and the reports are too voluminous to reprint in full, any advertiser is entitled to inspect them in either newspaper office and to gain the information they contain, which is certain to be of high interest and value to him. The reports contain figures from which the following deductions are made by The Herald on analysis; the reports in detail sustain the following interpretations here made public for the benefit of advertisers:

EXCESS HERALD DAILY AVERAGE DISTRIBUTION OVER TIMES..... 4,744  
EXCESS HERALD DAILY AVERAGE NET PAID OVER TIMES..... 4,322  
EXCESS HERALD CITY AND SUBURBAN PAID OVER TIMES, DAILY..... 4,535  
HERALD EXCESS AVERAGE DAILY DISTRIBUTION OVER TIMES  
SEVEN DAY AVERAGE..... 4,481  
HERALD EXCESS OVER ITS 18,000 GUARANTEED AVERAGE DAILY

DISTRIBUTION..... 195  
TIMES DEFICIENCY UNDER ITS 18,000 GUARANTEED AVERAGE  
DAILY DISTRIBUTION..... 4,549  
TIMES DEFICIENCY UNDER ITS 21,500 GUARANTEED AVERAGE

SUNDAY DISTRIBUTION..... 6,207

Advertisers in the daily Times during the period covered by the audit (the year ending March 31, 1915) are of course entitled to a CASH REBATE of 25 percent of all they paid, since the circulation actually given their advertisements fell 25 percent SHORT of the publisher's CONTRACT guarantee; this rebate may be enforced through the courts, if necessary.

Advertisers in the Sunday Times during the audit period are entitled to a CASH REBATE of nearly 30 percent of all they paid, since the circulation actually given their advertisements fell nearly 30 percent SHORT of the publisher's CONTRACT guarantee; this rebate may be enforced through the courts, if necessary.

The Herald's average daily distribution during the six months ending October 1, 1915, was 19,579; average daily net paid for same period, 18,490. Herald's excess over its 18,000 guarantee for same period, 1,579 daily.